

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 25 2001

OFFICE OF  
MANAGING DIRECTOR

John A. Borsari  
Bosari & Associates, PLLC  
P.O. Box 29  
Arlington, VA 22210

86-285

RE: Request for Refund of Application Fee  
Fee Control No. 981198190070003

Dear Mr. Borsari:

This is in response to the request for refund of fees, filed on behalf of WXEW Radio Victoria, Inc., licensee of Station WXEW(AM), Yabucoa, Puerto Rico.

You state that WXEW filed an application, for extension of construction permit (File No. BMP-981118DB), which was dismissed as moot by the Commission on February 16, 1999 on the basis that the FCC's rules were changed and therefore the application was no longer required. Citing 47 C.F.R. § 1.1113(a)(4), providing for refund of fees when the Commission adopts new rules that nullify previously filed applications, you request a refund of \$260.00.

The Commission's records confirm that WXEW's application for extension of construction permit was dismissed as moot due to an intervening change in the Commission's rules providing for a standard three year construction period. Therefore, pursuant to 47 C.F.R. § 1.1113(a)(4), your request for refund of the application fee will be granted.

A check made payable to the maker of the original check, and drawn in the amount of \$260.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at 418-1995.

Sincerely,



Mark Reger  
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 26 2001

OFFICE OF  
MANAGING DIRECTOR

LeRoy J. Yanney  
4850 Skyline Dr.  
Sioux City, IA 51104-1156

86-285

Re: Station WPF767  
Fee Control No. 000000BCB-98-112

Dear Mr. Yanney:

This is in response to your request for waiver (date-stamped received December 7, 1998) of the filing fee in connection with your request for an extension of time for completion of the Commission's construction requirements for Station WPF767. You claim that you are entitled to a waiver of the filing fee as a "similarly situated" licensee under *Daniel R. Goodman, Receiver; Dr. Robert Chan, Petition for Waiver of Sections 90.633(c) and 1.1102 of the Commission's Rules, Request for Waiver of Sections 90.633(c) and 90.609(b) of the Commission's Rules*, 13 FCC Rcd 21,944 (1998) (*Goodman/Chan Reconsideration Order*) because you obtained your license pursuant to the efforts of a company that used fraudulent marketing methods identical to those described in *Daniel R. Goodman, Receiver; Dr. Robert Chan, Petition for Waiver of Sections 90.633(c) and 1.1102 of the Commission's Rules*, 10 FCC Rcd 8537 (1995) (*Goodman/Chan Order*).

In the *Goodman/Chan Order*, the Commission provided certain General Category Specialized Mobile Radio (SMR) licensees who received licenses through one of four fraudulent application preparation companies an additional four months to construct and commence operations of their licenses. The Commission also waived the filing fee requirements associated with the underlying requests for extension of the time for construction. In the *Goodman/Chan Reconsideration Order*, the Commission granted the same relief provided in the earlier *Goodman/Chan Order* to an additional class of General Category SMR licensees. To be eligible for this relief, however, these licensees were required to have been granted an initial eight-month construction period prior to January 2, 1995, and to have filed a written extension request with the Commission prior to the expiration of their respective eight-month construction period. *Goodman/Chan Reconsideration Order* at ¶ 60 and fn. 212. Our records reflect that the Commission granted your license for Station WPF767 on October 31, 1994, but that you failed to timely construct the station's facilities or timely file a request for extension of your construction period. Therefore, you did not come within the category of additional licensees granted relief under the *Goodman/Chan Reconsideration Order*, and your license accordingly was cancelled on October 19, 1998. Your request for waiver of the filing fee is dismissed, therefore, as moot. If you have any questions concerning this matter, please call the Revenue & Receivable Operation Group at (202) 418-1995.

Sincerely,



for Mark Reger  
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 10 2001

OFFICE OF  
MANAGING DIRECTOR

86-285

Susan P. Freeman  
Director, Billing Operations  
Network Operator Services, Inc.  
P.O. Box 3529  
Longview, TX 75606

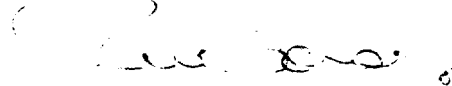
Re: Network Operator Services, Inc.  
Fee Control No. 0009138835115001

Dear Ms. Freeman:

This is in response to your request for a refund of a portion of the regulatory fees submitted by Network Operator Services, Inc. (Network) in connection with the filing of Network's common carrier regulatory fees for fiscal year 2000 on September 11, 2000. You state that effective April 1, 2000, Network sold certain assets to TXU Communications and that the revenues from these assets (including Network's 1 + Long Distance division) are part of the basis for Network's fiscal year 2000 common carrier regulatory fees. You state that the interstate and international revenues reported from this division for the revenue period of January through December 1999 were \$2,352,162.00. Based on the sale of this division, you request that your assessment base be reduced and that a portion of the regulatory fees be refunded.

Interstate telephone service providers such as Network calculate their fiscal year 2000 common carrier service regulatory fees based upon calendar year 1999 revenue information and based upon revenue information reported on FCC Form 499A (Telecommunications Reporting Worksheet), the form which was required to be filed on April 1, 2000 and which is used for calculating contributions to the Universal Service Fund. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2000, Report and Order*, 15 FCC Rcd 14478 (2000), Attachment F, ¶33 (and associated worksheet). The instructions to FCC Form 499A for the year 2000 provide in relevant part that contributors should not file a revised FCC Form 499A to reflect sales of operating units. *See FCC Form 499A, Section II.E.* Because Network's 2000 common carrier regulatory fees are based upon its calendar year 1999 revenues as reported on FCC Form 499A and because FCC Form 499A may not be revised to reflect sales of operating units (including Network's sales of assets to TXU Communications), we deny your request for a reduction in your assessment base and for a refund of a portion of the 2000 common carrier service regulatory fee paid by Network. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

  
Mark A. Reger  
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 27 2001

OFFICE OF  
MANAGING DIRECTOR

86-285

Mark G. Lammert  
Compliance Reporting Consultant  
Technologies Management, Inc.  
210 N. Park Ave.  
Winter Park, FL 32789

Re: Request for Waiver of FY 2000  
Regulatory Fee  
Fee Control No.: 00000CDMG-00-009

Dear Mr. Lammert:

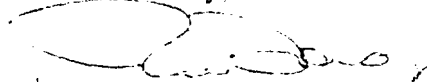
This letter is in response to your submission of FCC Form 159 (FCC Remittance Advice), which you filed on behalf of USC Telecom, Inc. in connection with the common carrier regulatory fee for the year ending December 31, 1999. The FCC Form 159 indicates that the regulatory fee for USC Telecom, Inc. is \$14,336. You state in an accompanying cover letter, however, that no payment is enclosed because no remittance fee is due. We interpret your letter as a request for waiver of the Fiscal Year (FY) 2000 regulatory fee.

You state in a Notice included with your submission that USC Telecom, Inc. filed a petition in the Bankruptcy Court on August 9, 2000. In support, you attach the first two pages of the petition, which demonstrates that USC Telecom, Inc. filed a Voluntary Petition under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court, Southern District of Texas.

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership is sufficient to establish financial hardship. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership).

Accordingly, the FY 2000 regulatory fee for USC Telecom, Inc. of \$14,336 is waived. If you have any questions concerning this waiver, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer